

FILED
Clerk
District Court

OCT 20 2006

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

UNITED STATES OF AMERICA,)	Criminal No. 02-00010
)	
Plaintiff)	
)	ORDER GRANTING
v.)	REQUEST FOR THIRTY
)	DAYS TO FILE WRITTEN
BERT DOUGLAS MONTGOMERY,)	SUBMISSIONS and TAKING
)	UNDER ADVISEMENT
Defendant)	REQUEST FOR RE-SENTENCING
_____)	

THE COURT has received counsels' amended stipulation for an order setting re-sentencing for defendant Montgomery or, in the alternative, for a thirty day extension in which to file their written submissions.

The motion for a thirty day extension to file written submissions is granted and counsel are given until 3:30 p.m., Monday, November 20, 2006, to file such submissions. The motion to set this matter for re-sentencing is taken under advisement until the court has had the opportunity to review and consider the written

1 submissions.

2 The court believes this approach is consistent with the remand order. It allows
3
4 counsel the opportunity to set out in detail (as the instant motion does not) “any
5 factors---not only within the advisory sentencing guidelines, but also those
6 encompassed by the goals and purposes of sentencing as reflected in 18 U.S.C. §
7 3553(a)---that counsel believes warrants re-sentencing of this defendant.” As of yet,
8 the court has not been given counsel’s arguments so as to allow it “to consider
9 whether non-Guidelines factors might have justified a sentence different from the
10 one imposed if, at the time of sentencing, the court’s discretion had not been
11 constrained by the mandatory Guidelines.”
12

13
14 Once the court has received written submissions setting out the respective
15 positions of counsel, it can then make an informed decision whether or not re-
16 sentencing is appropriate.
17

18 IT IS SO ORDERED.

19 DATED this 20th day of October, 2006.
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23 

24 ALEX R. MUNSON

25 Judge
26